

22.139(455B) Acid rain permit appeal procedures.

22.139(1) Appeals of the acid rain portion of a Title V operating permit issued by the department that do not challenge or involve decisions or actions of the administrator under 40 CFR Parts 72, 73, 75, 77 and 78 as amended through November 22, 1994, and sections 407 and 410 of the Act and regulations implementing sections 407 and 410 shall be conducted according to the procedures in Iowa Code chapter 17A and 561—Chapter 7, as adopted by reference at 567—Chapter 7. Appeals of the acid rain portion of such a permit that challenge or involve such decisions or actions of the administrator shall follow the procedures under 40 CFR Part 78 as amended through July 30, 1993, and section 307 of the Act. Such decisions or actions include, but are not limited to, allowance allocations, determinations concerning alternative monitoring systems, and determinations of whether a technology is a qualifying repowering technology.

22.139(2) No administrative appeal or judicial appeal of the acid rain portion of a Title V operating permit shall be allowed more than 30 days following respective issuance of the acid rain portion of the permit that is subject to administrative appeal or issuance of the final agency action subject to judicial appeal.

22.139(3) The administrator may intervene as a matter of right in any state administrative appeal of an acid rain permit or denial of an acid rain permit.

22.139(4) No administrative appeal concerning an acid rain requirement shall result in a stay of the following requirements:

- a. The allowance allocations for any year during which the appeal proceeding is pending or is being conducted;
- b. Any standard requirement under rule 22.125(455B);
- c. The emissions monitoring and reporting requirements applicable to the affected units at an affected source under rule 567—25.2(455B);
- d. Uncontested provisions of the decision on appeal; and

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e. The terms of a certificate of representation submitted by a designated representative under Subpart B of 40 CFR Part 72 as amended through July 30, 1993.

22.139(5) The department will serve written notice on the administrator of any state administrative or judicial appeal concerning an acid rain provision of any Title V operating permit or denial of an acid rain portion of any Title V operating permit within 30 days of the filing of the appeal.

22.139(6) The department will serve written notice on the administrator of any determination or order in a state administrative or judicial proceeding that interprets, modifies, voids, or otherwise relates to any portion of an acid rain permit. Following any such determination or order, the administrator will have an opportunity to review and veto the acid rain permit or revoke the permit for cause in accordance with subrules 22.107(7) and 22.107(8).

Description: Acid rain rules were submitted in conjunction with Title V rules.

[illegible]

Description: This revision amended subrule 22.139(1) by changing the date July 30, 1993 to November 22, 1994.

[illegible]

Difference Between the State and EPA-Approved Regulation

None.